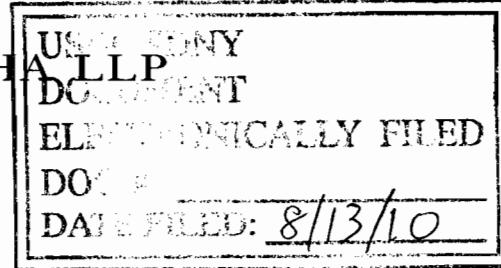


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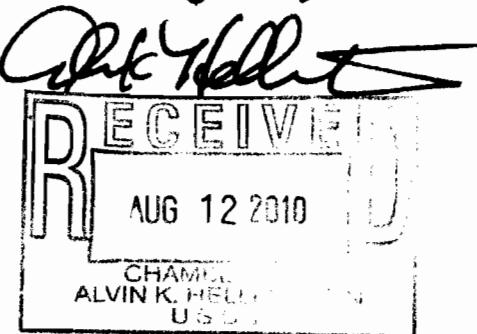
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OF COUNSEL
SHELDON TABAK
STEPHEN B. ROBERTS

August 10, 2010

*Denied. Proceed by motion,
on notice.*

8-13-10



The Honorable Alvin Hellerstein
United States District Judge
Daniel Patrick Moynihan
United States Court House
500 Pearl Street, Rm 105
New York, New York 10007-1312

Re: Dennis Thomson v. City of New York
05 CIV 7520 (AKH)
21 MC 102 (AKH)
Our File #: S-2237.04

Dear Judge Hellerstein:

We represent plaintiff Dennis Thomson who has two separate injury claims before Your Honor; a WTC claim for respiratory injuries while working at the WTC, and a totally separate Jones Act claim for neck and shoulder injuries he sustained during a September 6, 2004 accident while working on a New York City Fireboat. Since plaintiff was awarded a disability pension for both his WTC respiratory injuries and the subsequent neck and shoulder injuries we filed suit on his behalf on both causes of action on February 5, 2005, in the Eastern District of New York, 05 Civ. 631 (J. Glasser) Plaintiff's complaint, annexed hereto.

Since our complaint had a WTC claim, the court transferred both claims to your Honor as part of the 21 MC 102 matter and all discovery was stayed. We filed a motion to sever the two claims and proceed with discovery with respect to the 2004 accident; the Court denied our motion.

Since it appears that the claims related to the WTC litigation may be resolved, plaintiff Dennis Thomson's other claim should now be permitted to proceed. It is therefore respectfully requested that a conference be scheduled in order to prepare a case management plan for discovery in the non-WTC claim. Plaintiff has been stayed from pursuing this other claim for over 5 years and there is no reason why this claim should

not be able to proceed at this time. Further delay may prejudice Mr. Thomson with regard to discovery of documents and witnesses.

Wherefore, it is respectfully requested that a conference be scheduled to prepare a discovery plan at the convenience of the Court.

We thank the Court for its continued assistance, and remain

Respectfully yours,

TABAK, MELLUSI & SHISHA

By: 
STEPHEN B. ROBERTS

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